			MR
	Application No.	Applicant(s)	
Madia at Allamaticus	10/682,379	TABOADA ET AL.	
Notice of Allowability	Examiner	Art Unit	
	david shay	3735	·
The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGOT THE Office or upon petition by the applicant. See 37 CFR 1.313	OR REMAINS) CLOSED in this apport of the appropriate communication GHTS. This application is subject to	plication. If not included will be mailed in due co	urse. THIS
1. \boxtimes This communication is responsive to <u>the interview of March</u>	<u>20, 2007</u> .		
2. X The allowed claim(s) is/are <u>1-21,23-26 and 28-30</u> .			
3. ☐ Acknowledgment is made of a claim for foreign priority und a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 2. ☐ Certified copies of the priority documents have 3. ☐ Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONMITHIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must (a) ☐ including changes required by the Notice of Draftsperson 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.1 each sheet. Replacement sheet(s) should be labeled as such in the company of the proper of the priority of the deposent attached Examiner's comment regarding REQUIREMENT Foreign and the priority of the priority documents and the priority documents have a claim for the priority documents have a	been received. been received in Application No uments have been received in this of this communication to file a reply ENT of this application. Ited. Note the attached EXAMINER is reason(s) why the oath or declara is be submitted. Item	national stage application complying with the requivation is deficient. 948) attached office action of the front (not the bad).	rements
Attachment(s) 1. ☑ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material		(PTO-413), te ment/Comment	ance

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bruce Itchkawitz on March 20, 2007.

In the claims:

Claims 37-41, 44-46, and 50-66 have been cancelled

The following is an examiner's statement of reasons for allowance: The claims are allowable because one having ordinary skill in the art at the time of the invention would not have designed a device or employed a method to produce the claimed power densities at the claimed depth in the brain, due to the belief of those having ordinary skill in the art at the time of the invention that the transmission of light in brain tissue was about an order of magnitude smaller then determined by applicant's empirically determined transmission. As can be seen by the prior art articles to Pogue et al; Bevilacqua et al; and Firbank et al, while the actual absorption coefficient is rather small (.01/.02 mm⁻¹, p283, Description of Fig. 15; .01-.02 mm⁻¹, p4947, Table 1; and .005/.025 mm⁻¹, p72, table I, respectively) the scattering coefficient is much larger (1.0 mm⁻¹, p283, Description of Fig. 15; 1.0-.8 mm⁻¹, p4947, Table 1; and 6.0/2.5 mm⁻¹, p72, table I, respectively). These values (as they are exponents in the equation expressing the intensity ratio of initial to transmitted) when used to determine the initial power density would

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yield a value in the Kilowatt/cm² range at the cranial surface, which is well into the range that would produce ablation, to produce the claimed energy densities at a depth of 2 cm (20 mm).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

DAVID M. SHAY PRIMARY EXAMINER GROUP 320